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REPORT OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS, 1959

On September 9, 1957, the United States Congress passed the first civil rights bill since 1875. This bill provided for the establishment of a civil rights commission within the executive branch of the federal government. The purpose of the commission was "to investigate, to study, to appraise, and to make findings and recommendations." On September 9, 1959, the United States Commission on Civil Rights transmitted its report to the President of the United States and to Congress.

This issue of the Interracial News Service contains the findings and recommendations of the report on public education and housing. The next issue will be devoted to the subject of voting, which was the primary concern of the commission.

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EDUCATION: FINDINGS AND RECOMMENDATIONS

THE PROBLEM

In 1954, the Supreme Court of the United States held that compulsory racial segregation in public schools is a denial of the equal protection of the laws under the Fourteenth Amendment to the U. S. Constitution, and of the due process of law required by the Fifth Amendment. In so holding, the Court did not require racial integration in the schools. What the Court did hold is that publicly supported schools must be opened to all races on a nonsegregated basis.

The requirements of this declaration of constitutional principle have been stated clearly by the late Judge John J. Parker of the United States Court of Appeals for the Fourth Circuit in the case of *Briggs v. Elliott*:

What it (the Supreme Court) has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches (132 F. Supp. 776 (1955)).

The Commission based its study of legal developments constituting a denial of the equal protection of the laws in the field of public education upon two fundamental premises:

(1) The American system of public education must be preserved without impairment because an educated citizenry is the mainstay of the Republic and full educational opportunity for each and every citizen is America's major defense against the world threat to freedom.

(2) The constitutional right to be free from compulsory segregation in public education can be and must be realized, for this is a government of law, and the Constitution as interpreted by the Supreme Court is the supreme law of the land.

The problem, therefore, is how to comply with the Supreme Court decision while preserving and even improving public education. The ultimate choice of each State is between finding reasonable ways of ending compulsory segregation in its schools or abandoning its system of free public education.

INFORMATION, ADVISORY, AND CONCLUSIONS SERVICES

Background

The Commission's studies, and particularly its conference with school officials from districts in border States and a few in the South that have in some measure desegregated since 1954, demonstrate that when local school officials are permitted to act responsibly in adopting plans that fit local conditions the difficulties of desegregation can be minimized. A variety of plans have proved to be successful, ranging from the merger of the former Negro and white school systems into one integrated system (particularly in communities where the Negro population was small and the cost of maintaining separate systems considerable) to the gradual Nashville plan that began in the first grade and is proceeding at the rate of one grade a year, with voluntary transfer permitted to any child assigned to a school where his race is in the minority.

In *Shuttlesworth v. Birmingham Board of Education*, 358 U.S. 101 (1958), the U. S. Supreme Court upheld as valid on its face the Alabama pupil placement law on the assumption that the law would be administered in a constitutional manner. Eight Southern States have adopted pupil-placement laws as a means of meeting the test of non-discrimination. This is another possible method by which compliance may be achieved.

In many instances desegregation has been used by the local community as the occasion to raise its educational standards. In many instances remedial programs have been adopted for the handicapped, and advanced programs established for gifted students. Such programs were described to the Commission at its Nashville conference by the superintendents from Wilmington, Del., Washington, D. C., and San Angelo, Tex. St. Louis, Mo., has adopted a similar program. It is important that any transition should not result in the lowering of educational standards for either the white or Negro student. If possible, it should result in an improvement of educational standards for both; a number of school officials report that this has already happened in their communities.

In the transition to a nondiscriminatory school system, a carefully developed State or local plan is better than a plan imposed by a court for the immediate admission of certain litigants, or a plan imposed by any outside agency. The Supreme Court and the Federal lower courts have made it clear that they will consider sympathetically any reasonable plan proposed in good faith. This seems to be an area in which the principle of States rights can most effectively express itself through local option in meeting this problem. If State governments do not permit local school officials to develop such plans for good-faith compliance, the effectiveness of the school system in the State as a whole will be impaired. By permitting such local option a variety of methods of transition can be developed that take into account the varying circumstances in different areas of the State.

Findings

1. The ease of adjustment of a school system to desegregation is influenced by many factors, including the relative size and location of the white and Negro population, the extent to which the Negro children are culturally handicapped, segrega-

tion practices in other areas of community life, the presence or absence of democratic participation in the planning of the program used or preparation of the community for its acceptance, and the character of the leadership in the community and State.

2. Many factors must be considered and weighed in determining what constitutes a prompt and reasonable start toward full compliance and the means by which and the rate at which desegregation should be accomplished.

3. Desegregation by court order has been notably more difficult than desegregation by voluntary action wherein the method and timing have been locally determined.

4. Many school districts in attempting to evolve a desegregation plan have had no established and qualified source to which to turn for information and advice. Furthermore, many of these districts have been confused and frustrated by apparent inconsistencies in decisions of lower Federal courts.

Recommendations No. 1 (a) and 1 (b)

Therefore, the Commission recommends:

1 (a) That the President propose and the Congress enact legislation to authorize the Commission on Civil Rights, if extended, to serve as a clearinghouse to collect and make available to States and to local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate, either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof.

1 (b) That the Commission on Civil Rights be authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions, and to mediate and conciliate, upon request, disputes as to proposed plans and their implementation.

ANNUAL SCHOOL CENSUS

Background

The primary problem of equal protection of the laws in the field of public education is desegregation of public school systems in which separate schools for white and Negro children have been maintained by compulsion of State law. The Commission's study of this problem necessarily required public school enrollment figures, by race of students and type of school attended, for all school districts in the 17 States and the District of Columbia where compulsory segregation had been the rule.

The Commission found that the U. S. Office of Education of the Department of Health, Education, and Welfare, which formerly collected and published such information, ceased doing so with the school year 1953-54. It was necessary, therefore, to secure such data directly from State and local officials or from secondary sources. As a matter of policy, the keeping of records by race has been discontinued in the States of Kentucky, Missouri, Oklahoma, West Virginia, and in some parts of Maryland.

A study such as that of the Commission requires complete and authoritative factual data. But, because there is a possibility that school records of the race of students might be used in a discriminatory manner in recommendations to colleges and universities and to prospective employers, the Commission cannot request the maintenance of permanent school records by race.

Findings

1. No agency of the U. S. Government, other than this Commission, has collected data either on public school enrollment by race since the school year 1953-54 or on the existence of segregation or nonsegregation by policy or practice in the public schools of the nation.

2. The public school study of the Commission has been rendered difficult by the lack of such information within the Federal Government and by the policy, adopted by some States and school districts that maintained racially segregated schools immediately prior to May 17, 1954, to discontinue recording the race of pupils.

Recommendation No. 2

Therefore, the Commission recommends that the Office of Education of the Department of Health, Education, and Welfare, in cooperation with the Bureau of the Census of the Department of Commerce, conduct an annual school census that will show the number and race of all students enrolled in public educational institutions in the United States, and compile such data by States, by school districts, and by individual institutions of higher education within each State. Further, the initially this [these] data be collected at the time of the taking of the next decennial census, and thereafter from official State sources insofar as possible.*

SUPPLEMENTARY STATEMENT ON EDUCATION

By Vice Chairman Storey and Commissioners Battle and Carlton

The portion of the report dealing with public education contains much interesting and valuable factual material. However, the text preceding the Findings and Recommendations is based largely on the experience of large cities and communities in "border" states which have, to a greater or lesser degree, integrated their schools. Limited consideration has been given to the various conditions of population and life in large areas of the country where the problem is most acute.

Further study and investigation should be made of areas where school integration efforts run counter to long-established customs and traditions that formerly had legal sanction.

This tremendously serious and complex problem will not be solved by hasty action but must have the most careful and sympathetic consideration, with due regard for the way of life of large numbers of loyal Americans.

PROPOSAL TO REQUIRE EQUAL OPPORTUNITY AS A CONDITION OF FEDERAL GRANTS TO HIGHER EDUCATION

By Chairman Hannah and Commissioners Hesburgh and Johnson

More than \$2 billion a year of Federal funds go for educational purposes and to educational institutions. The principal recipients of these funds are the nation's colleges, universities and other institutions of higher education. Whether tax supported or privately financed, they receive Federal grants and loans both for their general support and capital improvements as well as for research projects, special programs, and institutes.

Discriminatory admission policies and other practices are known to exist in a number of such institutions. None of the Federal agencies administering these educational assistance programs require proof or an attestation of nondiscrimination by the institutions as a condition for the receipt of Federal funds.

With its duty to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution," the Commission was compelled to ask whether it is consistent for the Federal Government to aid and support educational programs and activities in institutions of higher education which are not open to all citizens on an equal and nondiscriminatory basis.

While Congress has not required such conditions for these grants, the operations of the Federal Government are subject to the constitutional principle of equal protection or equal treatment.

The Supreme Court has held racial discrimination in public education to be a denial of equal protection. In regard to public institutions of higher education the courts have required the immediate admission of qualified students without discrimination. The reasons for the gradual elimination of racial discrimination in elementary and secondary schools do not obtain in the field of higher education. There, [therefore] immediate equality of opportunity for qualified students of all races is possible and necessary.

*COMMISSIONER JOHNSON:

I have agreed to this recommendation with the understanding that it does not suggest or require that public educational institutions maintain school records by race and that the recommended school census can be undertaken without maintenance of such records.

Although the equal protection clause of the Fourteenth Amendment applies only to State action, "it would be unthinkable," the Supreme Court has held, "that the same Constitution would impose a lesser duty on the Federal Government."

We believe that it is inconsistent with the Constitution and public policy of the United States for the Federal Government to grant financial assistance to institutions of higher education that practice racial discrimination.

We recommend that Federal agencies act in accordance with the fundamental constitutional principle of equal protection and equal treatment, and that these agencies be authorized and directed to withhold funds in any form to institutions of higher learning, both publicly supported and privately supported, which refuse, on racial grounds, to admit students otherwise qualified for admission.

ADDITIONAL PROPOSAL BY COMMISSIONER JOHNSON

While joining in the above proposal, I recommend that the policy set forth apply to all educational institutions that receive Federal funds, including public elementary and secondary schools. My reasons are set forth in my closing statement at the end of this report.

SEPARATE STATEMENT ON CONDITIONAL FEDERAL GRANTS FOR HIGHER EDUCATION

By Vice Chairman Storey and Commissioners Battle and Carlton

We oppose the recommendation that Federal agencies be authorized to withhold all public funds from institutions of higher learning (public and private) which refuse, on racial grounds, to admit students otherwise qualified for admission for the following reasons:

1. The Commission has agreed that the preservation and improvement of education is a matter of great national interest and is a fundamental principle within which the problems of equal protection must be evaluated. Therefore, we cannot conscientiously endorse a program which might well undermine that principle.

2. Present problems of equal protection pertaining to education fall within the sweep of the Fourteenth Amendment, an area long since preempted by the courts. We cannot endorse a program of economic coercion as either a substitute for or a supplement to the direct enforcement of the law through the orderly processes of justice as administered by the courts.

3. Such a proposal by this Commission—as a branch of the Federal Government—would drastically affect the administration of privately owned institutions of higher education. Such action goes beyond the scope of the Commission's duties.

4. Our staff studies were directed toward understanding and evaluation of equal protection problems in public and secondary schools, not private schools upon any level, and not institutions of higher education, whether public or private.

HOUSING: FINDINGS AND RECOMMENDATIONS

EQUAL OPPORTUNITY TO SECURE DECENT HOMES

Background

It is the public policy of the United States, declared by the Congress and the President, and in accord with the declared purposes of the Constitution, that every American family shall have equal opportunity to secure a decent home in a good neighborhood. Since the home is the heart of a good society it is essential that this aspect of the promise of equal protection of the laws be fulfilled forthwith.

From the Commission's study of housing, two basic facts were found to constitute the central problem.

First, a considerable number of Americans, by reason of their color or race, are being denied equal opportunity in housing. A large proportion of colored Americans are living in overcrowded slums or blighted areas in restricted sections of our cities, with little or no access to new housing or to suburban areas. Most of these Americans, regardless of their educational, economic, or professional accomplishments, have no alternative but to live in used dwellings originally occupied by white Americans who have a free choice of housing, new

or old. Housing thus seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay. It would be an affront to human dignity for any one group of Americans to be restricted to wearing only hand-me-down clothing or to eating the leftovers of others' food. Like food and clothing, housing is an essential of life, yet many nonwhite families have no choice but secondhand homes. The results can be seen in high rates of disease, fire, juvenile delinquency, crime and social demoralization among those forced to live in such conditions. A nation dedicated to respect for the human dignity of every individual should not permit such conditions to continue.

Second, the housing disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing. Americans of lower income, both colored and white, have few opportunities for decent homes in good neighborhoods. Since most suburban housing is beyond their means, they remain crowded in the central city, creating new slums. Since colored people comprise a rising proportion of the city dwellers with lowest income, these slums are becoming increasingly colored. The population of metropolitan areas, already comprising over 60 percent of the American people, is growing rapidly not merely by births but by migration. These migrants, many of them colored, most of them unadapted to urban life, form the cutting edge of the housing crisis.

From these facts it is evident that for decent homes in good neighborhoods to be available for all Americans, two things must happen: the housing shortage for all lower income Americans must be relieved, and equality of opportunity to good housing must be secured for colored Americans. If racial discrimination is ended but adequate low-cost housing is not available, most colored Americans will remain confined in spreading slums. If low-cost housing is constructed in outlying areas and little or none of it is available for colored Americans, the present inequality of opportunity and the resulting resentments and frustrations will be accentuated.

The need is not for a pattern of integrated housing. It is for equal opportunity to secure decent housing. The difficulties in achieving this are considerable. Most of the available city land is already occupied and the cost of clearing slum property for new low-rent housing is practically prohibitive without government assistance. The pressure for expansion of overcrowded Negro areas is so great that when an opening occurs, the pent-up Negro demand pours into the new area and the white residents usually flee in panic. The Negro's need for an alternative to "blockbusting" as a way of securing housing must be met just as the legitimate interests of white neighborhoods on the edge of Negro expansion areas must be protected. To achieve both these results and relieve the pressure of the present Negro concentration, new housing opportunities available to Negroes on all levels of income must be opened in the metropolitan area generally, and slum clearance and the construction of new housing must take place in the central city.

The development of adequate and sound programs to achieve such equal opportunity to decent housing is urgent. The Commission found that a number of existing city, State, Federal, and private programs are contributing to this. It offers the following specific findings and recommendations as a further contribution to the necessary public understanding and action.

CITY AND STATE LAWS, POLICIES, AND PROGRAMS

Findings

In New York City, as in Pittsburgh and in four States—Colorado, Connecticut, Massachusetts, and Oregon—there are far reaching laws against discrimination in the sale or rental of multi-unit private housing, and all publicly assisted housing. In New York State, as in 10 other States, there are laws against discrimination in publicly assisted or urban renewal housing. Officials and community leaders in New York testified that these laws are having a valuable educational effect and that their enforcement, principally through mediation by the city Commission on Intergroup Relations and the State

Commission Against Discrimination, is helping to promote equal opportunity in housing.

In Atlanta, the work of the Mayor's West Side Mutual Development Committee, representing equally the Negro and white people in the area of the city undergoing the greatest racial transition, has served to replace blockbusting and reduce racial tension and violence by means of expanding Negro residential areas through negotiation and consent. This has enabled Negroes in Atlanta, unlike those in most American cities, to gain access to good outlying land and to build new suburban neighborhoods.

In Chicago, which has neither New York's laws against discrimination nor Atlanta's policy of negotiating agreements for Negro expansion, the Commission found that the Negroes' primary method of securing better housing was through the mutually unsatisfactory system of blockbusting, with the consequent uprooting of adjacent white neighborhoods and with inevitable racial tension and occasional violence.

On the basis of its hearings in these three cities the Commission finds that, whatever the particular approach adopted, some official city and State program and agency concerned with promoting equal opportunity to decent housing is needed. Such programs and agencies can bring about better public understanding of the problems and better communication between citizens. Whether or not cities or States are prepared to adopt antidiscrimination laws, and even in areas where racial separation is the prevailing public policy, it is possible that through interracial negotiation practical agreements for progress in housing can be reached. Where public opinion makes possible the adoption of a law against discrimination in housing, this might contribute significantly to the work of the agency promoting equal opportunity in housing. Then the agency would have legal support in its efforts at mediation and conciliation.

Recommendation No. 1

Therefore, it is recommended that an appropriate biracial committee or commission on housing be established in every city and State with a substantial nonwhite population. Such agencies should be empowered to study racial problems in housing, receive and investigate complaints alleging discrimination, attempt to solve problems through mediation and conciliation, and consider whether these agencies should be strengthened by the enactment of legislation for equal opportunity in areas of housing deemed advisable.*

OVERALL FEDERAL LAWS, POLICIES, AND PROGRESS

Findings

The Federal Government now plays a major role in housing. Its participation in slum clearance, urban redevelopment, public housing and mortgage loan insurance amounts to billions of dollars. The Constitution prohibits any governmental discrimination by reason of race, color, religion, or national origin. The operation of Federal housing agencies and programs is subject to this principle. In addition there is in effect an act of Congress adopted in 1866 and reenacted in 1870 that recognizes the equal right of all citizens, regardless of color, to purchase, rent, sell, or use real property.

While the fundamental legal principle is clear, Federal housing policies need to be better directed toward fulfilling the constitutional and congressional objective of equal opportunity. Mr. Norman Mason, the Administrator of the House and Home Finance Agency, who is responsible for coordinating the various housing programs of the constituents [sic] of HHFA, testified before this Commission that he intends to develop policies that will further promote the principle of equal opportunity in all these housing programs. The Com-

*ADDITIONAL PROPOSAL BY COMMISSIONERS HESBURGH AND JOHNSON:

Beyond the above recommendation, we wish to add that it would be helpful if all real estate boards admitted qualified Negroes to membership. In view of the important role real estate boards play in determining housing policies and patterns throughout a community, we believe these boards are not merely private associations but are clothed with the public interest and that the constitutional principle of nondiscrimination, applicable to all parts of our public life, should be followed. With white and Negro realtors meeting and working together, misunderstandings could be cleared up and there would be greater possibility of solving racial housing problems through negotiation, understanding, and good will.

mission finds that there was much that the Administrator of the HHFA can do, through careful and determined administration, to assure that the principle of equal opportunity in Federal housing programs is applied not only in the top policies but at the operating levels in each constituent agency.

Because of the paramount national importance of this problem the Commission finds that direct action by the President in the form of an Executive order on equality of opportunity in housing is needed. The order should apply to all federally assisted housing, including housing constructed with the assistance of Federal mortgage insurance or loan guaranty as well as federally aided public housing and urban renewal projects.

There have been such Executive orders calling for the application of the principles of equal opportunity and equal treatment in the fields of Government contracts and Government employment, and in the armed services. Instead of establishing a new Presidential Committee, as was done in these other Executive orders, the President could request the Commission on Civil Rights, if its life is extended, to conduct the necessary continuing studies and investigations and make further recommendations.

Recommendations Nos. 2 and 3

Therefore, it is recommended:

That the President issue an Executive order stating the constitutional objective of equal opportunity in housing, directing all Federal agencies to shape their policies and practices to make the maximum contribution to the achievement of this goal, and requesting the Commission on Civil Rights, if extended, to continue to study and appraise the policies of Federal housing agencies, to prepare and propose plans to bring about the end of discrimination in all federally assisted housing, and to make appropriate recommendations.

That the Administrator of the Housing and Home Finance Agency give high priority to the problem of gearing the policies and the operations of his constituent [sic] housing agencies to the attainment of equal opportunity in housing.

FHA AND VA

Findings

The present policy of the Federal Housing Administration and the Veterans Administration is not to do further business with a builder who is in violation of a State or city law against discrimination. However, waiting upon the appropriate State or city agency to make a finding of violation of State or city law may result in Federal assistance to a builder who is openly or manifestly evading such law. By the time any State or city action against such a builder has been completed the projects may well have been built and sold or rented on a discriminatory basis.

Recommendation No. 4

Therefore, it is recommended that in support of State and city laws the Federal Housing Administration and the Veterans Administration should strengthen their present agreements with States and cities having laws against discrimination in housing by requiring that builders subject to these laws who desire the benefits of Federal mortgage insurance and loan guaranty programs agree in writing that they will abide by such laws. FHA and VA should establish their own fact-finding machinery to determine whether such builders are violating State and city laws, and, if it is found that they are, immediate steps should be taken to withdraw Federal benefits from them, pending final action by the appropriate State agency or court.

PUBLIC HOUSING

Findings

The location of sites for public housing projects and the kind of housing provided play an important part in determining whether public housing becomes almost entirely non-white housing, whether it accentuates or decreases the present patterns of racial concentrations, and whether it contributes to a rise in housing standards generally. A policy of "scattering" of smaller projects throughout the whole metropolitan area may remedy some of the present defects of public housing.

Public housing projects can serve as schools for better housing and homekeeping. A large number of the tenants are

recent migrants from rural areas, unprepared for urban life. Placing them in decent housing units and requiring that decent standards be maintained will help them make a successful adjustment to city life. Locating these projects in better neighborhoods and making them less institutional in appearance will add to this educational process.

As a result of the large number of nonwhites in need of low-cost housing and the tendency of whites to avoid living in the midst of a nonwhite majority, many projects are all or predominantly nonwhite. This may result in a proportion of nonwhite occupancy higher than that actually warranted under the Public Housing Administration's "racial equity" formula based on the estimated needs of the two racial groups. In one city the Commission found that the location of public housing sites within areas of Negro concentration resulted in *de facto* discrimination against low-income white citizens.

Recommendation No. 5

Therefore, it is recommended that the Public Housing Administration take affirmative action to encourage the selection of sites on open land in good areas outside the present centers of racial concentrations. PHA should put the local housing authorities on notice that their proposals will be evaluated in this light. PHA should further encourage the construction of smaller projects that fit better into residential neighborhoods, rather than large developments of tall "high-rise" apartments that set a special group apart in a community of its own.

URBAN RENEWAL

Findings

City and private programs of slum clearance, conservation and redevelopment, assisted by Federal aid from the Urban Renewal Administration, are changing the face of the Nation. Since nonwhite residents comprise a large proportion of the persons displaced by these programs and since nonwhites do not have equal opportunity to housing, it is important that special needs and problems of the nonwhite minority receive adequate and fair consideration in all such programs.

Recommendation No. 6

Therefore, it is recommended that the Urban Renewal Administration take positive steps to assure that in the preparation of overall community "workable programs" for urban renewal, spokesmen for minority groups are in fact included among the citizens whose participation is required.

SUPPLEMENTARY STATEMENT ON HOUSING

By Vice Chairman Storey and Commissioners Battle and Carlton

We yield to no one in our goodwill and anxiety for equal justice to all races, in the field of housing as elsewhere. A good home should be the goal of everyone regardless of color, and the Government should aid in providing housing in keeping with the means and ambitions of the people. Government aid is important where public improvements have displaced people and where slums become a liability to the community. This does not mean, however, that the Government owes everyone a house regardless of his ambition, industry, or will to provide for himself. When generosity takes away self-reliance or the determination of one to improve his own lot, it ceases to be a blessing. We should help, but not pamper. But there remains a financial limit beyond which the Government cannot go.

In dealing with the problem of housing, we must face realities and recognize the fact that no one pattern will serve the country as a whole. Some parts of the foregoing report are argumentative, with suggestions keyed to integration rather than housing, and if carried out in full will result in delay and in many cases defeat of adequate housing, which is our prime objective. The repeated expressions, "freedom of choice," "open housing," "open market," and "scattering" suggest a fixed program of mixing the races anywhere and everywhere regardless of the wishes of either race and particular problems involved. The result would be dissension, strife, and even violence evident in sections where you would least expect it.

To us it is not only wise, but imperative that biracial committees be set up in different sections to provide areas for adequate housing in keeping with just requirements for the

people involved. This can be done, it is being done in different sections such as Atlanta, Ga., in keeping with the wishes of both races. This responsibility, however, must be met in a positive, courageous, and constructive manner in keeping with the requirement at the local level.

SUPPLEMENTARY STATEMENT ON HOUSING

By Commissioners Hesburgh and Johnson

While the Commission has not had time to consider many important aspects of the complicated housing problem in view of its primary attention to investigations of alleged denials of the right to vote, and of its studies in the education field, three points that were much under discussion in the Commission's housing hearings in our opinion deserve special attention.

(1) *Relocation of persons displaced by federally aided projects.*—The Commission has found that nonwhite Americans constitute a high proportion of those displaced by urban renewal programs (and, it should be added, by federally-aided highway programs), and that such nonwhites are severely restricted in their housing opportunities. We believe that, in addition to the recommendation of the Commission that in the preparation of local "workable programs" for urban renewal there be adequate nonwhite participation, other measures should be taken to assure that the human side of slum clearance and redevelopment is given adequate attention.

For instance, the Federal-aid highway program, which is displacing an increasing number of urban residents and is often being used to clear slums, has no provision requiring that displaced families be rehoused in accordance with specific standards, nor is any financial assistance provided for their relocation. While property owners receive compensation for property condemned, the problem of relocation arises largely in urban areas where those displaced, many of them tenants who receive no compensation, have great difficulty finding, or cannot find, decent, safe, and sanitary dwellings within their means.

In the urban renewal program, on the other hand, the act of Congress requires that "decent, safe, and sanitary dwellings" be available at rents and prices within the financial means of the displaced families, either in the urban renewal area itself, or in areas "not generally less desirable." However, the Commission received evidence that such housing for relocation is in some places not in fact available.

President Eisenhower has said that steps must be taken "to insure that families of minority groups displaced by urban redevelopment operations have an opportunity to acquire adequate housing." It seems to us essential that all the Federal agencies take such positive steps to assure that these minimum human requirements of slum clearance and redevelopment are in fact met by the local communities.

While the Federal-aid highway program should not be turned into a housing program, the act should be amended to provide that in any urban area where any substantial number of low-income persons are to be displaced by the construction of a federally aided highway, the locality must incorporate the highway program in its urban renewal program, and the relocation requirements and standards of the Urban Renewal Administration must be met in regard to all such displaced persons, or the localities must otherwise see that decent, safe, and sanitary housing is available to such persons.

(2) *Racial patterns in urban renewal.*—As President Eisenhower has also said, the Federal Government must "prevent the dislocation of such (minority-group) families through the misuse of slum clearance programs." In the Commission's housing hearings there were allegations that urban renewal programs are being used in some instances for "Negro clearance" and that new patterns of segregated neighborhoods are either being created or existing patterns of segregation are being substantially accentuated. With the nonwhite citizens' participation in planning urban renewal at the local level which the Commission has recommended such questions should be raised at an early stage. In addition, we recommend that communities' workable programs and specific urban renewal projects be examined by the Urban Renewal Administration and the Housing and Home Finance Administrator to assure

that no community is using Federal urban renewal assistance to accomplish such results. Examination of each urban renewal project in this light will require the services of persons of special competence in the field of intergroup relations.

(3) *The shortage of low-cost housing.*—The studies and hearings of the Commission have shown that progress in remedying the lack of opportunity to decent housing by non-white Americans depends in large part upon progress in overcoming the general housing shortage for lower income Americans. This is also directly connected with relocation and urban renewal. Slum clearance and urban redevelopment are necessary, but they require the provision of decent low-cost housing for those displaced. President Eisenhower has said that the Government will "encourage adequate market financing and the construction of new housing for such families on good, well-located sites."

In the absence of better answers, it seems imperative that the present programs of urban renewal, public housing, home mortgage insurance and assistance, including the Voluntary Home Mortgage Credit Program, be continued on a sufficiently long-term basis to make sound planning by local housing authorities possible. Beyond this, most officials, housing experts, and industry leaders testified that further efforts must still be undertaken to encourage the construction and sale of decent, low-cost private housing.

The Commission did not try to make specific recommendations in these areas that require expert knowledge, but we would like to stress the importance of this being done and of sound measures being put into effect by those who are so competent.

In view of the testimony in Atlanta and Chicago that the ceiling on section 221 (low-cost relocation housing) mortgage insurance is too low for new housing in urban areas, and in view of the recent action of Congress in approving an increase in the permissible amounts of FHA mortgage insurance, including an increase in the ceiling on section 221, consideration should be given to raising the section 221 limitations to levels consistent with the cost of new housing in urban areas. Consideration should also be given to proposals made by leaders of the housing industry in the Commission's hearings for the reduction of the cost of financing housing for lower income residents, including proposals for special mortgage assistance through the Federal National Mortgage Association and for direct loans such as those provided at 3½ percent interest for 40 years in the college housing program of the Community Facilities Administration.

Without trying to appraise particular proposals, it can be said that programs to overcome the housing shortage for lower income Americans are not luxuries but are essential needs of the nation.

Source: *Report of the United States Commission on Civil Rights 1959*

This document is available from the Superintendent

of Documents, U. S. Government Printing Office, Washington 25, D.C.—Price \$2 (paper)

Recommended also is: *With Liberty and Justice For All*, an abridgment of the *Report of the United States Commission on Civil Rights 1959*. This publication also is available from the Superintendent of Documents, price 60¢.

SOUTHERN JEWS ARE URGED TO TAKE A POSITIVE 'RIGHTS' STAND

New Orleans

Chairmen of six Southern Regional boards of the Anti-Defamation League of B'nai B'rith urged Jewish communities in the South to take a "positive stand" on race relations and law enforcement during a meeting last week.

The leaders of the oldest Jewish service organization in the country issued their reports as the three-day annual executive committee meeting of the league convened at the Roosevelt Hotel here.

They said the immobilizing fears had gripped Southern Jews because of the violence against synagogues and increased distribution of anti-Semitic literature by hatemongers. They said these fears were "unfounded."

* * *

The leaders appealed to the Southern communities to engage in common efforts with "Christian groups in helping to solve race problems."

The leaders pointed out the fact "such a joint effort" must at the same time lead to improvement of understanding between Christians and Jews in the South.

Henry Edward Schultz, national chairman of the league and a member of the New York City Board of Higher Education, emphasized that anti-Semitic activities "have little effect upon traditional friendly attitudes toward Jews in the South."

"Southerners are simply not buying the products offered by anti-Semitic hatemongers who are trying to exploit the racial situation," Mr. Schultz asserted. . . .

(The Afro-American, October 10, 1959)

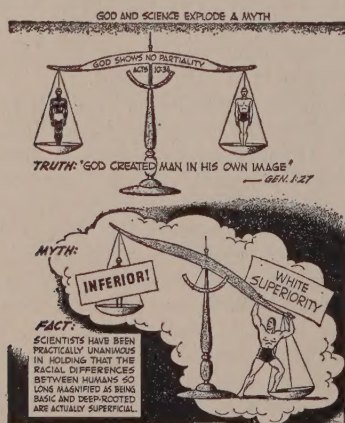
NOTICE

This is to call your attention to the new address of the Department of Racial and Cultural Relations of the National Council of Churches. It is

475 Riverside Drive
New York 27, New York
Tel.: RIVERSIDE 9-2200

The office of the Department is now located in the newly constructed INTERCHURCH CENTER.

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